



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: OCTOBER 11, 2022

IN THE MATTER OF:

Appeal Board No. 624630

PRESENT: GERALDINE A. REILLY, MEMBER

The Department of Labor issued the initial determination charging the claimant with an overpayment of \$1,200 in Federal Pandemic Unemployment Compensation (FPUC) repayable pursuant to § 2104 (f) (2) of the Coronavirus Aid, Relief,

and Economic Security (CARES) Act of 2020. The claimant requested a hearing.

The Administrative Law Judge held a telephone conference hearing at which testimony was taken. There was an appearance by the claimant. By decision filed June 28, 2022 (), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board

Our review of the record reveals that the case should be remanded to hold a hearing. At the hearing held, the claimant attempted but could not access his bank records for the period in issue. The claimant requested that he be given the opportunity to review his bank records. The Judge did not offer the claimant an adjournment to review and produce his bank records prior to closing the case. At the remand hearing the claimant shall produce his bank records for March, April, May and June 2021. The claimant should be questioned regarding whether he received the \$1200 in FPUC benefits at issue. The Judge shall take any additional relevant testimony and evidence as necessary.

Now, based on all of the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same

hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing, upon due notice to all parties and their representatives; and it is further

ORDERED, that the claimant should produce his bank statements for the period of March 2020 through June 2020, and any other relevant documentation; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

GERALDINE A. REILLY, MEMBER